

ESTTA Tracking number: **ESTTA1323790**
Filing date: **11/21/2023**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer information

Name	Eveden Inc.
Granted to date of previous extension	11/25/2023
Address	65 SPRAGUE STREET BOSTON, MA 02136 UNITED STATES

Attorney information	MICHAEL L LEETZOW MICHAEL L. LEETZOW PLLC 1205 S KESWICK DR TROY, VA 22974 UNITED STATES Primary email: michael@leetzow.com Secondary email(s): kiran@iusjuris.com 4073029970
Docket no.	MASQ-047

Applicant information

Application no.	97320929	Publication date	09/26/2023
Opposition filing date	11/21/2023	Opposition period ends	11/25/2023
Applicant	Vy Anh Vu 4624 BARNETT STREET METAIRIE, LA 70006 UNITED STATES		

Goods/services affected by opposition

Class 025. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Body suits for adults and children; Bottoms as clothing for adults and children; Coats for adults and children; Dresses for adults and children; Headwear for adults and children; Hooded sweatshirts for adults and children; Jackets for adults and children; Jumpers in the nature of coveralls treated with fire and heat retardants for adults and children; Pajamas for adults and children; Pants for adults and children; Shirts for adults and children; Shoes for adults and children; Shorts for adults and children; Sweaters for adults and children; Sweatpants for adults and children; Sweatshirts for adults and children; T-shirts for adults and children; Tops as clothing for adults and children; Trousers for adults and children; Woven shirts for adults and children

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks cited by opposer as basis for opposition

U.S. registration no.	0816641	Application date	05/21/1965
Register	Principal		
Registration date	10/11/1966	Foreign priority date	NONE
Word mark	GODDESS		
Design mark			
Description of mark	NONE		
Goods/services	Class 039. First use: First Use: Dec 1, 1945 First Use In Commerce: Dec 1, 1945 BRASSIERES, CORSETS, CORSELETS, GIRDLES, AND BRA SLIPS		

U.S. registration no.	5179490	Application date	12/16/2014
Register	Principal		
Registration date	04/11/2017	Foreign priority date	NONE
Word mark	GODDESS		
Design mark			
Description of mark	NONE		
Goods/services	Class 025. First use: First Use: Dec 1, 1945 First Use In Commerce: Dec 1, 1945 Clothing, namely, ladies underwear, lingerie, corsets, brassieres, bras, sports bras, maternity bras, knickers		

Attachments	Notice of Opposition MASQ047 -Tiger Warrior GODDESS.pdf(121448 bytes) ExhibitA.pdf(147056 bytes) ExhibitB.pdf(161204 bytes)
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Signature	/Michael L. Leetzow/
Name	MICHAEL L LEETZOW
Date	11/21/2023

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Eveden Inc.)	
)	Opposition No. _____
Opposer,)	Serial No. 97/320,929
)	Mark: Be a tiger warrior goddess
v.)	
)	
Vy Anh Vu,)	
)	Filing Date: March 19, 2022
Applicant.)	Publication Date: September 26, 2023

NOTICE OF OPPOSITION

Pursuant to 15 U.S.C. § 1063(a) and 37 C.F.R. § 2.101, Eveden Inc., a corporation organized and existing under the laws of Massachusetts located and doing business at 65 Sprague Street, Boston, Massachusetts 02136 (“Opposer”), by its undersigned counsel, respectfully submits the following Notice of Opposition. Opposer believes that it is being, and will continue to be, damaged by the registration of the mark shown in Application Serial No. 97/320,929 in Class 25 for certain of the goods listed therein filed by Vy Anh Vu, an individual having an address of 4624 Barnett Street, Metairie LA 70006 (hereinafter “Applicant”), on March 19, 2022, and which was published on September 26, 2023. Opposer opposes Application Serial No. 97/320,929 and requests that the registration be refused.

The grounds for this opposition are as follows:

1. Upon information and belief, Applicant, Vy Anh Vu, is an individual having an address of 4624 Barnett Street, Metairie LA 70006.

2. Upon information and belief, Applicant seeks to register the mark “Be a tiger warrior goddess” (Applicant’s Mark) for the goods and services of “Body suits for adults and children; Bottoms as clothing for adults and children; Coats for adults and children; Dresses for adults and children; Headwear for adults and children; Hooded sweatshirts for adults and children; Jackets for adults and children; Jumpers in the nature of coveralls treated with fire and heat retardants for adults and children; Pajamas for adults and children; Pants for adults and children; Shirts for adults and children; Shoes for adults and children; Shorts for adults and children; Sweaters for adults and children; Sweatpants for adults and children; Sweatshirts for adults and children; T-shirts for adults and children; Tops as clothing for adults and children; Trousers for adults and children; Woven shirts for adults and children” in International Class 025.

3. Upon information and belief, Applicant’s application was filed on March 19, 2022, based upon an intent-to-use claim under Section 1(b); 15 U.S.C. § 1051(b).

4. Upon information and belief, Applicant’s Application Serial Number is 97/320,929 (the “‘929 Application”).

5. Upon information and belief, Applicant’s ‘929 Application was published on September 26, 2023.

6. Opposer is a corporation organized and existing under the laws of Massachusetts located and doing business at 65 Sprague Street, Boston, Massachusetts 02136.

7. Opposer, through its parent company, predecessors-in-interest and affiliates, is now and has been involved in the business of, *inter alia*, designing, manufacturing and providing high quality clothing products, including, but not limited to, ladies’ underwear,

brassieres, corsets, corselets, girdles, bra slips, lingerie, bras, sports bras, maternity bras, and knickers.

8. Opposer has become widely known nationally and worldwide as a provider of its clothing products, including, but not limited to, ladies' underwear, brassieres, corsets, corselets, girdles, bra slips, lingerie, bras, sports bras, maternity bras, and knickers.

9. Opposer has acquired a favorable reputation throughout large segments of the relevant industry for its goods sold and provided under, and in association with its trademarks, including, but not limited to, GODDESS, and any services related thereto.

10. Opposer is the owner of valid and subsisting U.S. trademark Registration No. 0,816,641 ("the '641 Registration"), registered on October 11, 1966, on the Principal Register for the mark GODDESS in International Class 25 as used in association with the following goods: "brassieres, corsets, corselets, girdles, and bra slips."

11. Opposer is also the owner of valid and subsisting U.S. trademark Registration No. 5,179,490 ("the '490 Registration"), registered on April 11, 2017 on the Principal Register for the mark GODDESS in International Class 25 as used in association with the following goods: "Clothing, namely, ladies underwear, lingerie, corsets, brassieres, bras, sports bras, maternity bras, knickers."

12. Both the '641 Registration and '490 Registration are conclusive evidence of the validity of the registrations, of Opposer's ownership thereof, and of Opposer's exclusive right to use the registered marks in commerce in connection with the goods specified in the respective registrations. Pursuant to Rule 2.122(d), Opposer attaches hereto, as Exhibit A and Exhibit B, printouts from the Trademark Status and Document Retrieval (TSDR) electronic database showing the current status and title of each of the above registrations.

13. Opposer's '641 Registration was granted incontestable status under Section 15 of the Trademark Act. This trademark and registration therefor are valid and subsisting, and Opposer owns the GODDESS trademark, the registrations, and the goodwill of the business associated with such mark.

14. From a date long prior to Applicant's filing date, specifically since at least as early as December 1, 1945, Opposer has used its marks GODDESS in connection with clothing goods, including but not necessarily limited to, ladies' underwear, brassieres, corsets, corselets, girdles, bra slips, lingerie, bras, sports bras, maternity bras, and knickers.

15. The goods set forth in Applicant's '929 Application are identical to and/or closely related to the goods in connection with which Opposer has used and is using its marks GODDESS. In addition, upon information and belief, Applicant's goods are offered to the same classes of customers who purchase Opposer's goods offered under its marks GODDESS.

16. The applied-for mark in Applicant's '929 Application is substantially similar to Opposer's Marks GODDESS, and is likely to cause confusion, mistake and deception as to the source of Applicant's goods, all to Opposer's damage and in violation of 15 U.S.C. § 1052(d). Consumers are likely to believe that Applicant's goods offered in connection with the mark that is the subject of Applicant's '929 Application emanate from, or are licensed by, approved by, or otherwise associated with Opposer, when they are not. Any dissatisfaction with Applicant's goods will adversely reflect upon and irreparably damage Opposer's reputation and goodwill as embodied in its marks GODDESS.

17. Applicant's Mark is confusingly similar in appearance, sound, connotation and commercial impression to Opposer's registered trademarks.

18. Applicant's filing of the '929 Application was without license, authorization or permission of Opposer.

19. By reason of the foregoing, Applicant's registration of the mark herein opposed would cause significant damage and injury to Opposer, to Opposer's rights in its mark, and to the use thereof as described herein.

20. Accordingly, registration of Applicant's Mark would damage Opposer, and registration; therefore, Applicant's Mark should be refused pursuant to Section 2(d) of the Trademark Act.

CONCLUSION

21. If Applicant is granted the registration herein opposed, Applicant would thereby obtain a prima facie exclusive right to use of the applied-for mark, which would be a further source of damage to Opposer.

22. By reason of the foregoing, Opposer will be damaged by the registration of the mark "Be a tiger warrior goddess."

WHEREFORE, Opposer believes that it will be damaged by registration of the mark which is the subject of the U.S. Trademark Application Serial No. 97/320,929, and therefore respectfully requests that such registration be refused.

Respectfully submitted,

Date: November 21, 2023

By: /Michael L. Leetzow/
Michael L. Leetzow
Attorney for Opposer Eveden Inc.
Michael L. Leetzow PLLC
1205 S Keswick Dr.
Troy, VA 22974
Telephone: 407/302-9970
michael@leetzow.com

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition with Exhibit A and Exhibit B has been served on the Applicant via email at vyanhky11@gmail.com and vyanhvu22@gmail.com on November 21, 2023.

Respectfully Submitted,

/Michael L. Leetzow/

EXHIBIT A

For assistance with TSDR, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

STATUS

DOCUMENTS

MAINTENANCE

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Print

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Mark: GODDESS

GODDESS

US Serial Number: 72219461

Application Filing Date: May 21, 1965

US Registration Number: 816641

Registration Date: Oct. 11, 1966

Register: Principal

Mark Type: Trademark

TM5 Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:



The trademark application has been registered with the C

Status: The registration has been renewed.

Status Date: Oct. 28, 2016

▼ **Mark Information**

▲ Collapse All

Mark Literal Elements: GODDESS

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

▼ **Goods and Services**

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: BRASSIERES, CORSETS, CORSELETS, GIRDLES, AND BRA SLIPS

International Class(es): 025

U.S Class(es): 039 - Primary Clas

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 1945

Use in Commerce: Dec. 01, 1945

▼ **Basis Information (Case Level)**

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

▼ **Current Owner(s) Information**

Owner Name: EVE DEN INC.

Owner Address: 65 SPRAGUE STREET
BOSTON, MASSACHUSETTS UNITED STATES 02136

Legal Entity Type: CORPORATION

State or Country Where Organized: MASSACHUSETT

▼ **Attorney/Correspondence Information**

Attorney of Record

Attorney Name: John W. McGlynn

Docket Number: MSQ-116US

Attorney Primary Email Address: tmde@ratnerprestia.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: John W. McGlynn
RATNERPRESTIA
PO Box 980
Valley Forge, PENNSYLVANIA UNITED STATES 19482

Phone: 6104070700

Fax: 6104070701

Correspondent e-mail: tmde@ratnerprestia.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

▼ **Prosecution History**

Date	Description	Proceeding Number
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Jun. 21, 2018	NOTICE OF SUIT	
Mar. 24, 2017	NOTICE OF SUIT	
Mar. 24, 2017	NOTICE OF SUIT	
Oct. 28, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Oct. 28, 2016	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	76985
Oct. 28, 2016	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76985
Oct. 28, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76985
Aug. 12, 2016	TEAS SECTION 8 & 9 RECEIVED	
Oct. 11, 2015	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Feb. 04, 2009	CASE FILE IN TICRS	
May 12, 2008	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	68502
May 12, 2008	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 10, 2007	RESPONSE RECEIVED TO POST REG. ACTION - SEC. 8 & 9	
Apr. 10, 2007	FAX RECEIVED	
Feb. 26, 2007	POST REGISTRATION ACTION MAILED - SEC. 8 & 9	68502
Feb. 16, 2007	ASSIGNED TO PARALEGAL	68502
Dec. 19, 2006	TEAS SECTION 8 & 9 RECEIVED	
Jun. 07, 2006	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Apr. 05, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 11, 1986	REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)	
May 05, 1986	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	

▼ **TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Oct. 28, 2016

▼ **Assignment Abstract Of Title Information**

Summary

▼ **Con**

Total Assignments: 7

Registrant: REVELATION BR.

▲ **Assignment 1 of 7**

▼ **Expand All**

▲ **Assignment 2 of 7**

▲ Assignment 3 of 7

▲ Assignment 4 of 7

▲ Assignment 5 of 7

▲ Assignment 6 of 7

▲ Assignment 7 of 7

▼ Proceedings

Summary

▼ Party type

▼ Proc

Number of Proceedings: 25

▲ Type of Proceeding: Opposition

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EXHIBIT B

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STATUS

DOCUMENTS

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Mark: GODDESS

GODDESS

US Serial Number: 86981421

Application Filing Date: Dec. 16, 2014

US Registration Number: 5179490

Registration Date: Apr. 11, 2017

Register: Principal

Mark Type: Trademark

TM5 Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:



The trademark application has been registered with the C

Status: A Section 8 declaration has been accepted.

Status Date: Sep. 21, 2023

Publication Date: Jul. 19, 2016

▼ Mark Information

▲ Collapse All

Mark Literal Elements: GODDESS

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

▼ Related Properties Information

Claimed Ownership of US Registrations: [0816641](#)

Child Of: [86482593](#)

▼ Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For:	Clothing, namely, ladies underwear, lingerie, corsets, brassieres, bras, sports bras, maternity bras, knick		
International Class(es):	025 - Primary Class	U.S Class(es):	022, 039
Class Status:	ACTIVE		
Basis:	1(a)		
First Use:	Dec. 01, 1945	Use in Commerce:	Dec. 01, 1945

▼ **Basis Information (Case Level)**

Filed Use:	No	Currently Use:	Yes
Filed ITU:	No	Currently ITU:	No
Filed 44D:	No	Currently 44E:	No
Filed 44E:	Yes	Currently 66A:	No
Filed 66A:	No	Currently No Basis:	No
Filed No Basis:	No		

▼ **Current Owner(s) Information**

Owner Name:	Eveden Inc.		
Owner Address:	65 Sprague Street, Hyde Park Boston, MASSACHUSETTS UNITED STATES 02136		
Legal Entity Type:	CORPORATION	State or Country Where Organized:	MASSACHUSETT

▼ **Attorney/Correspondence Information**

Attorney of Record

Attorney Name:	Kiranjit K Dharsan		
Attorney Primary Email Address:	kiran@seiterlegalstudio.com	Attorney Email Authorized:	Yes

Correspondent

Correspondent Name/Address:	Kiranjit K Dharsan Seiter Legal Studio 2450 Colorado Ave., Suite 100E Santa Monica, CALIFORNIA UNITED STATES 90404		
Phone:	310-795-8998		

Correspondent e-mail: kiran@seiterlegalstudio.com
marni@seiterlegalstudio.com
mail@seiterlegalstudio.com

Correspondent e-mail Yes
 Authorized:

Domestic Representative - Not Found

▼ **Prosecution History**

Date	Description	Proceeding Number
Sep. 21, 2023	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	
Sep. 21, 2023	REGISTERED - SEC. 8 (6-YR) ACCEPTED	70134
Sep. 21, 2023	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Sep. 15, 2023	POST REGISTRATION ACTION MAILED - SEC. 8	70134
Sep. 15, 2023	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70134
Apr. 26, 2023	TEAS SECTION 8 RECEIVED	
Apr. 11, 2022	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Jun. 21, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 21, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 21, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 21, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 21, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jun. 19, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 19, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 19, 2021	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Jun. 19, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 19, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 19, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 11, 2017	REGISTERED-PRINCIPAL REGISTER	
Mar. 08, 2017	ELECTRONIC RECORD REVIEW COMPLETE	76572
Jan. 20, 2017	ON HOLD - ELECTRONIC RECORD REVIEW REQUIRED	
Jan. 19, 2017	1(B) BASIS DELETED; PROCEED TO REGISTRATION	66230
Dec. 16, 2016	NOTICE OF ALLOWANCE CANCELLED	66230
Jan. 19, 2017	DIVISIONAL PROCESSING COMPLETE	
Dec. 16, 2016	DIVISIONAL REQUEST RECEIVED	
Jan. 19, 2017	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230

Dec. 16, 2016	TEAS REQUEST TO DIVIDE RECEIVED	
Sep. 13, 2016	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 19, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 19, 2016	PUBLISHED FOR OPPOSITION	
Jun. 29, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 15, 2016	ELECTRONIC RECORD REVIEW COMPLETE	76572
Jun. 10, 2016	ON HOLD - ELECTRONIC RECORD REVIEW REQUIRED	
Jun. 03, 2016	ELECTRONIC RECORD REVIEW COMPLETE	76572
May 06, 2016	ON HOLD - ELECTRONIC RECORD REVIEW REQUIRED	
May 04, 2016	LAW OFFICE PUBLICATION REVIEW COMPLETED	66121
Apr. 25, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 26, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 03, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	66121
Mar. 03, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	66121
Feb. 22, 2016	ASSIGNED TO LIE	66121
Feb. 16, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 10, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 10, 2015	NON-FINAL ACTION E-MAILED	6325
Sep. 10, 2015	NON-FINAL ACTION WRITTEN	73350
Sep. 07, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 06, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 06, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 28, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 28, 2015	NON-FINAL ACTION E-MAILED	6325
Mar. 28, 2015	NON-FINAL ACTION WRITTEN	73350
Mar. 26, 2015	ASSIGNED TO EXAMINER	73350
Dec. 22, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Dec. 19, 2014	NEW APPLICATION ENTERED	

▼ **TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 106

Date in Location: Sep. 21, 2023

▼ **Assignment Abstract Of Title Information - None recorded**

▼ **Proceedings**

Summary

▼ Party type

▼ Proc

Number of Proceedings: 25

▲ Type of Proceeding: Opposition

▼ Expand All

▲ Type of Proceeding: Opposition

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